

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EILEEN A. GONZALES,

Plaintiff,

vs.

No. CIV 10-264 LFG

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

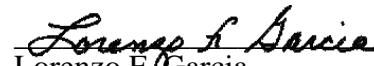
Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION FOR
ATTORNEY FEES UNDER EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER is before the Court on Plaintiff Eileen A. Gonzales's Motion for Attorney Fees Under Equal Access to Justice Act [Doc. 22], filed November 17, 2010. The Commissioner filed a Response [Doc. 23] to the Motion, stating he does not object to Plaintiff's request for attorney fees in the amount of \$3,894.00.

On October 29, 2010, the Court entered an Order [Doc. 19] Granting Commissioner's Unopposed Motion to Reverse and Remand for Further Administrative Proceedings, thus making Plaintiff the prevailing party for purposes of the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A); Shalala v. Schaefer, 509 U.S. 292, 302 (1993). The Commissioner does not contend that his position was substantially justified nor does he contend that the amount requested is unreasonable.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Attorney Fees Under EAJA [Doc. 22] is granted, and Plaintiff Eileen A. Gonzales is authorized to receive \$3,894.00 under EAJA for payment to her attorneys for services before this Court.



Lorenzo F. Garcia
United States Magistrate Judge